**HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 2285 OF 2005.**

Amey Pandurang Kurade. ...Applicant.

V/s.

State of Maharashtra. ...Respondent

Shri A.S.Khandeparkar, for applicant.

Shri K.V.Saste, APP for respondent.

**CORAM: A.M.KHANWILKAR,J**
**DATE : APRIL 11, 2005**

**P.C. :-**

1. Heard the counsel for the parties.

2. Applicant has ben named as an accused in the offence registered at Kudal Police station, being C.R.No.18 of 2005. It is not in dispute that co-accused are released on bail by the Lower court. So far as the applicant is concerned, his application is rejected on the reasoning that he is the master mind and recovery of blood stained clothes from him as well as stolen wrist watch is made at the instance of the applicant. In the FIR, name of the assailant is disclosed as Babu and others. Indeed, later on supplementary statement has been recorded which indicates that applicant’s nick name is Babu.

3. The fact remains that no test identification parade has been held, so far, the applicant is in custody for over one month. The learned APP states that the complainant is unavailable for the test identification parade as he has shifted to his native place and his whereabouts are not known. The fact that the test identification parade cannot be conducted, can be no basis to detain the applicant without proper investigation.

4. Taking overall view of the matter, as the applicant is permanent resident of Kudal and as there are no antecedents against him and the applicant can make himself available for the purpose of investigation as and when required and accepting that co-accused has been already released by the lower court, the applicant is directed to be released on bail but on following conditions.

(i) The applicant is directed to be released on bail in C.R.No.18 of 2004, registered with Kudal Police Station, on executing personal bond in the sum of Rs.20,000/- with one or two local sureties in like amount.

(ii) The applicant shall regularly report to the concerned police station twice in a week i.e. on Wednesday and Sunday between 10 a.m. to 2 p.m. till filing of the charge sheet.

(iii) The applicant shall not leav jurisdiction of Kudal Police Station without prior intimation to the Investigating Officer.

(iv) The applicant shall not influence the prosecution witnesses nor tamper with prosecution evidence in any manner, whatsoever.

(v) The applicant shall co-operate to investigating officer as well as for early disposal of the trial as condition for bail. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, the same be recorded in roznama and that can be the basis for cancellation of bail.

. Application disposed of accordingly.